



**Talbot County Planning Commission**  
**Final Decision Summary**

Wednesday, September 2, 2020 at 9:00 a.m.  
Wye Oak Room, Talbot Community Center

**Attendance:**

Commission Members:

Phillip “Chip” Councill, Chairman  
Lisa Ghezzi  
Michael Strannahan  
Paul Spies

Staff:

Mary Kay Verdery, Planning Officer  
Miguel Salinas, Assistant Planning Officer  
Elisa Deflaux, Environmental Planner II  
Maria Brophy, Planner II

Attended by Teleconference:

William Boicourt, Vice Chairman

**1. Call to Order**——Commissioner Councill called the meeting to order at 9:05 a.m.

**2. Decision Summary Review**

May 20, 2020—The Commission noted the following corrections to the draft decision summary:

- a. Line 365- delete “March” and replace it with “February”
- b. Line 392- add “Lynn Harris, Jessie Hammock and Bruce Armstead”

**Commissioner Spies moved to approve the May 20, 2020 Decision Summary, with amendments. Commissioner Strannahan seconded the motion. The motion carried unanimously.**

**Commissioner Spies moved to approve the June 3, 2020 Decision Summary, as presented. Commissioner Strannahan seconded the motion. The motion carried unanimously.**

**Commissioner Spies moved to approve the June 10, 2020 Decision Summary, as presented. Commissioner Strannahan seconded the motion. The motion carried unanimously.**

July 09, 2020—The Commission noted the following corrections to the draft decision summary:

- a. Line 222- correct the spelling of recommend
- b. Line 341 – delete “over and over again”

**Commissioner Strannahn moved to approve the July 9, 2020 Decision Summary, with amendments. Commissioner Spies seconded the motion. The motion carried unanimously.**

August 5, 2020—The Commission noted the following corrections to the draft decision summary:

Line 47- delete “does not feel it is necessary” and replace with “ indicated it would be burdensome for the County Council to read over 250 pages of transcriptions.”

Line 142- correct to read “The house was deemed uninhabitable by the County”

Line 145- correct to read “The property was well maintained”.

Line 146- 149 delete emotional plea

Line 150- replace “ a lot of” and replace with “other”

Line 152- delete entire sentence

Line 211- correct to read “Recommend to the Planning Officer for approval”

Line 254- delete sentence “Mr. Covington is co-applicant” and place it before “There are three Steps.”

Line 255- add the word “First”

Line 256- delete the sentence “He also explained the enclaves that”

Line 259- delete “we” and replace with “If the Town”

Line 341- delete Commissioners and replace with “Commission”

Line 346- correct to read “to determine consistency with the Comprehensive Plan on request”

**Commissioner Strannahan moved to approve the August 5, 2020 Decision Summary, with amendments. Commissioner Spies seconded the motion. The motion carried unanimously.**

## **2. Old Business**

**a. Applicant:** Department of Planning and Zoning  
**Agent:** Miguel Salinas, Assistant Planning Officer  
**Request:** Recommendation to the County Council  
**Project:** Draft Working Waterfront Overlay District

In April of 2020, the draft WWOD was placed for discussion purposes only on the Planning Commission’s agenda. A Planning Commission public hearing on the draft was held at the July 1, 2020 meeting. At the Commission’s August 5, 2020 meeting, staff updated the Commission and advised the Commission to delay action on the draft until they could respond to a comment letter from the Critical Area Commission, dated August 3, 2020. The County's Critical Area Program, in conformance with the Act, became effective on August 13, 1989. The Critical Area Overlay District regulates development activities within the Critical Area whose boundaries are defined at a distance 1,000 feet from the shoreline. Within the Critical Area boundary is the Shoreline Development Buffer, which is a habitat protection area generally within 100-feet of the shoreline, although the buffer boundary can be expanded if there are contiguous areas of steep slopes, highly erodible soils, and non-tidal wetlands. No new development activities are allowed within the Buffer except for water-dependent uses. In addition, development activity in the Critical Area requires mitigation to offset its impact to habitat and water quality. As County staff and Critical Area staff work together, this new plan will allow you to use 49 % of an existing building in the buffer for water related uses. For example,

99 a seafood market. It must be an existing building. If they demolish the old building, a  
100 new building will not be able to be used for water related business. If they expand on a  
101 building, the expanded portion will not be allowed to be used for water related business.  
102 Miguel confirmed for Commissioner Spies that the percentage is based on square footage  
103 of the existing building. Another change to the draft is on page 5, on the use table I took  
104 some of the uses in district one and added them to district 2 as special exception.

105 A concern was raised in public comment that there is no public map of the  
106 proposed Working Waterfront and it's very hard for the public to understand the impacts  
107 without seeing where the new zoning will occur. County Council adoption of the WWOD  
108 does not constitute mapping of the WWOD on any specific property. For the mapping of  
109 a WWOD, several steps would need to occur: 1) the Council would have to adopt  
110 legislation for the new WWOD to be included as part of the County's zoning ordinance  
111 with regulatory language that defines the uses, design standards and procedures  
112 associated with the overlay; 2) the Council would pursue an amendment to the official  
113 zoning maps for application of the WWOD on parcels in Tilghman; and 3) the Council  
114 would need to take into consideration specific factors, as identified in the draft WWOD,  
115 In summary, County Council adoption of the WWOD does not constitute any decisions  
116 on where the WWOD will be mapped. Until such time that a WWOD is incorporated into  
117 the County's zoning ordinance, the adoption of the district has no effect on individual  
118 property owners. The decision on where the district will be mapped will be at the  
119 discretion of the County Council through the legislative process. Staff notes that a  
120 WWOD may be only applied to properties located in the VM, VH, LC, GC or LI zoning  
121 districts. I'm sure that we will have lengthy conversations on this at a later time, as this  
122 will come back in front to the Planning Commission.

123 Your decision on a recommendation to the County Council today is based on  
124 whether you find the draft consistent with Talbot County Comprehensive Plan and the  
125 Tilghman Village Master Plan. Once the recommendation goes to the Council. We will  
126 ask if they would like to introduce legislation. Most likely a public hearing would occur.  
127 Commissioner's expressed their concerns.

128 Commissioner Spies expressed concern over the inability to process on site. For  
129 example, if one was farming Oysters, they would have to take them to a different facility  
130 to process them. That does not seem to be promoting the heritage of a working overlay.  
131 Miguel believes that was also in our previous code. Commissioner's Ghezzi, Strannahan,  
132 and Councell all expressed concern that once the property is converted to commercial  
133 use, the structure will not be allowed to be considered residential again. This could lead  
134 to vacant properties. Commissioner Ghezzi inquired about a survey from December  
135 2018. Miguel Salinas stated the project was released in the press and online and  
136 approximately 330 responses were received. She also asked if the project had a particular  
137 group or sponsor. The project was supported by the County Council who approved a  
138 grant from Department of Natural Resources Water Working Front Program to hire a  
139 consultant to work with staff to develop this draft. Commissioner Boicourt thanked  
140 Miguel Salinas for his hard work but ask that Miguel make one more attempt to at getting  
141 the public involved. Miguel agrees to reach out one more time, either in person in  
142 Tilghman Island, by phone conference or allowing written comments.

### 143 3. New Business

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146       **a. Applicant:**       **Brennan and Jillian Ellis**  
147       **File No.:**       **L1348**  
148       **Agent:**       Bill Ewald, Rauch Inc  
149       **Request:**       Sketch Major Revision Plat Approval  
150       **Project:**       Sketch Major Revision Plat to combine two deed parcels and  
151                               abandon 25' ROW  
152       **Location:**       5853 Irish Creek Rd Royal Oak, MD 21662  
153       **Zoning:**       Map 46, Grid 10, Parcel 111; Zone: RC  
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155       Maria Brophy, Planner II, Planning & Zoning read the staff Report. The applicant is  
156       seeking Planning Commission approval of a Major Revision Plat - Sketch Plan to combine  
157       Deed Parcels 1 and 2, and abandon the 25' right-of-way, at the property address of 5853  
158       Irish Creek Road, Royal Oak, Maryland. Should the Planning Commission approve the  
159       Sketch Major Revision Plan, staff recommends the following condition:

- 160       1. The applicant shall take all of the required steps and acquire all necessary approvals,  
161       including any waivers necessary, required for a Major Revision Plat as spelled out in  
162       the *Talbot County Code*  
163       2. The applicant shall comply with and address all additional TAC comments from the  
164       August 12, 2020 meeting prior to Preliminary Plat Submittal.

165       Bill Ewald of Rauch Engineering spoke on behalf of the applicant. He presented a  
166       diagram to illustrate the parcels. Deed Parcel 1 was created in 1976 per Plat 40/20. Deed  
167       Parcel 2 was shown on Plat 40/20 as a shared access right of way (ROW) with varying  
168       width: 50 feet in width beginning from Irish Creek Road and 25 feet in width beginning  
169       at the subject property. According to the applicant, the 25-foot portion of the shared  
170       access ROW was transferred in fee simple in 1984. The applicant is proposing to  
171       abandon the lot line between Deed Parcels 1 and 2 and abandon the portion of the 25'  
172       right-of-way that is currently on Deed Parcel 2, as designated on the proposed sketch  
173       plan. Commissioner Councill wanted clarification as to why this application was before  
174       the Planning Commission and not completed administratively. Mary Kay Verdery,  
175       Planning Officer, explained that any project that involves a road abandonment or  
176       relocation must be considered a "Major". This allows the public to provide input.  
177       Commissioner Councill asked for Public comment. There was none.  
178

179       **Commissioner Strannahan moved that the Planning Commission approve #L1348**  
180       **Major Revision Plan- Sketch Plan for Brennan and Jillian Ellis , located at 5853**  
181       **Irish Creek Road, Royal Oak, MD 21662; subject to staff conditions, Commissioner**  
182       **Spies seconded the motion. The motion carried unanimously.**  
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184       **b. Applicant:**       **Jerry Davis**  
185       **File No.:**       **L1347**  
186       **Agent:**       Bill Ewald, Rauch Inc  
187       **Request:**       Sketch Major Revision Plat Approval  
188       **Project:**       Minor Variance (Critical Area)  
189       **Location:**       Sketch Major Revision Plat to combine Parcels 167 and 234 and a  
190                               portion of Walkers Turn Road, to formally abandon a portion of

Walkers Turn Road and to provide an access easement to Tax Map 22, Parcel 253

**Zoning:** Map 23, Grid 15, Parcel 16; Zone: RR

Elisa Deflaux, Planner II, read the staff report. The applicant is seeking Planning Commission approval of a Major Revision Plat – Sketch Plan to abandon a portion of Walkers Turn Road and the northern property line of Tax Parcel 234 to join both parcels with Revised Tax Parcel 167. Staff supports Planning Commission sketch plan approval of the Major Revision Plat subject to the Conditions of Approval and based on the findings for Approval. Should the Planning Commission approve the Sketch Major Revision Plan, staff recommends the following conditions:

1. The applicant shall take all of the required steps and acquire all necessary approvals, including any waivers necessary, required for a Major Revision Plat as spelled out in the *Talbot County Code*.
2. The applicant shall comply with all address all additional TAC comments from the August 12, 2020 meeting prior to Preliminary Plat Submittal.

Bill Ewald of Rauch Engineering and Jerry Davis spoke. A brief summary of the proposal is; At the County Council Meeting on January 14, 2020, the Council voted unanimously on Resolution 279 to abandon a portion of Walker Turn Road, a surplus roadway that is no longer needed for public use. The Resolution required the applicant, at their sole cost and expense, commission a survey of the surplus roadway and apply for and obtain approval of a revision plat which shall: a) identify the surplus roadway to be abandoned, b) provide for the consolidation of the applicant's two parcels (Tax Map 22, Parcels 167 and 234), and including the surplus roadway, into a single lot or parcel, and c) identify on the revision plat, and grant easements for drainage that addresses the overland flow from Walkers Tur Road that drains in the direction of the surplus roadway and provides an access easement to Maryland State Highway 33 over the easterly edge of the property for the benefit of the Caldwell property. Commissioner Councill asked for Public comment. There was none. Commissioner Spies asked about the right of way for lot 253. Mr. Ewald confirmed that it is in the upper right portion of the property. Mary Kay stated that the parcel already has road frontage to the State Highway, it's just a matter of access width. There were no other questions from Commissioners.

**Commissioner Ghezzi moved that the Planning Commission approve #L1347 Major Revision Plat – Sketch Plan, for Jerry Davis, located at 22641 Walkers Turn Rd, McDaniel MD 21647; subject to staff conditions, Commissioner Spies seconded the motion. The motion carried unanimously.**

**c. Applicant:** Moores Rd. LLC  
**File No.:** M1170  
**Agent:** Sean Callahan, Lane Engineering, LLC  
**Request:** Sketch Major Revision Plat Approval and Sketch Major Subdivision Approval  
**Project:** Re-Subdivision of Tax Parcel 68  
**Location:** MD-329 & Bellevue Road Royal Oak, MD 21662  
**Zoning:** Map 41, Grid 7, Parcel 68; Zone: RC, WRC, VH, CAO

Elisa Delaux, Environment Planner for Talbot County read the Staff Report. The applicant is seeking Planning Commission approval of a Major Subdivision and Major Revision Plat - Sketch Plan to subdivide Parcel 68, existing Lots 1, 2, 3, 4 to create Lots 1A, 2A, 3A, 4A with two new private roads; and create Lot 10 as a buildable lot. The redevelopment of this site requires relocation of existing lot lines consistent with a Major Revision Plat. Staff supports Planning Commission sketch plan approval subject to the Conditions of Approval and based on the Findings for Approval. The applicant did not apply for any waivers to support the design and will be required to verify/provide some requirements as delineated in the outstanding issues section. Should the Planning Commission approve the Sketch Major Revision Plan, staff recommends the following condition:

1. Review of the application by the Historic Preservation Commission prior to preliminary plat approval to evaluate any adverse impacts of the subdivision on the Royal Oak Historic Survey District and, if applicable, means of mitigating potential adverse impacts
2. The applicant shall comply with TAC comments from the August 12, 2020 meeting prior to Preliminary Plat Submittal.

Sean Callahan, Lane Engineering, LLC attended the meeting. He spoke about the project and the background. In summary, the background of the property is Subdivisions on the subject property occurred in 1999, 2012 and 2015 for the creation of the 9 existing lots. In 2005, an even acreage land swap was the subject of a revision plat with a neighboring parcel. The 2016 comprehensive rezoning of village areas in Talbot County changed the zoning of parcels from VC (Village Center) to VH (Village Hamlet). The applicant submitted two applications. The major subdivision is a subdivision of Lots 1, 2, 3, 4 to create Lots 1A, 2A, 3A, 4A with two new private roads, Leighs Way and Stewart Street (to be renamed). Existing Lots 1, 2, 3 and 4 contain two dwellings on each lot. The creation of Lots 1A, 2A, 3A and 4A will result in a total of eight lots with one dwelling on each lot, with the relocation of one of the dwellings (6937 Bellevue Road) to Lot 1A. The major revision plat revises the lot lines of Lot 5 and Lot 9 and also creates a buildable lot from the remaining lands. Commissioner Ghezzi asked about the building currently on Lot 7. Clint Wadsworth stated that he recently had a small cabin moved to Lot 7. It is currently under the permitting process for renovation. The intent is to get the houses on individual lots to allow the ability to sell at a later date. Applicant has been working with staff in order to try to figure out how to comply with the current code regarding lot size, when there is already houses on the property. Commissioner Councill wanted to know why this project was going to be completed in phases. Mr. Wadsworth stated that it would be a hardship to complete it all at one time. Mary Kay Verdery thanked the applicant on their willingness to work with staff on this project. It will take multiple phases to get through this project due to the complexity. Commissioner Ghezzi wanted to know if there have been public concerns on this project. No one in attendance was aware of any concerns from the Public. Commissioner Ghezzi inquired about the rezoning of a lot mentioned in the proposal from VH to WRC. Mary Key Verdery stated that today it's just a concept. The actually map rezoning would be a separate application at a later time.

**Commissioner Ghezzi moved that the Planning Commission approve the sketch major subdivision and revision plat for Moores Road, LLC located at Intersection**

of Royal Oak Road (Maryland Highway 329) and Bellevue Road, subject to staff conditions. Commissioner Boicourt seconded the motion. The motion carried unanimously.

**d. Applicant:** Rio Del Mar - Lawn Equipment Sales, Service and Repair  
**File No.:** SP622  
**Agent:** Zachary A Smith  
**Request:** Major Site Plan Approval and Waiver Request  
**Project:** Major Site Plan to change the use of an existing storage building on Parcel 280 to *Farm Equipment Service and Repair* use and approve a 500 square foot outdoor display area on Parcel 64 for the *Farm Machinery and Supplies Sales* use.

Elisa Deflaux, Planner II, Planning & Zoning, read the staff report. The applicant is seeking Planning Commission approval of a Major Site Plan to change the use of the storage building on Parcel 280 to *Farm Equipment Service and Repair* and to add a 500 square foot outdoor display area on Parcel 64 as an accessory use to the *Farm Machinery and Supplies Sales*. Staff requests the Planning Commission consider forwarding the Major Site Plan application to a subsequent meeting for the review of a revised plan addressing the deficiencies and/or conditions of approval. Staff recommends the following condition:

1. The applicant shall comply with all address all additional TAC comments from the August 12, 2020 meeting.

Zachary A Smith, Armistead, Griswold, Lee & Rust, P.A. gave some background on the company. Rio Del Mar is a local business. The property that they currently are in was sold. Another business known as Salisbury Pewter Company closed their retail location. This left is an empty commercial building and a local business that needs a commercial building. The situation seems to be a great fit. However, the process in Talbot County has been lengthy and expensive. The applicant was not approved for the administrative site plan. The second building on the property was previously used for storage by Salisbury Pewter Company. Rio Del Mar wants to use it for storage and lawn mower repairs as well. Talbot County Staff views this as a change of use. County Staff is working with applicant and has approved a Temporary Use Certificate for the one building but not the storage building. The applicant is currently running the retail business out of one site and the repair business out of another. This situation is not ideal as it requires additional rent and a lot of traveling between locations. I am surprised that the applicant is also required to do a landscaping plan along with this Major Site Plan. The applicant is not building anything, just moving in. Sandy McAlister, of McAllister, DeTar, Showalter & Walker LLC, in behalf of the property owner requests that the waiver is granted. Mary Kay commented that the concern regarding landscaping is maintaining a portion of the property that neighbors a residential property. Miguel summarized the landscaping requirements. In summary the code does allow an alternate landscaping plan if they provide reasons as to how and why it is sufficient, including existing vegetation. If the landscaping would show in an approved revised site plan it would be acceptable with staff. Commissioner Councill stated that in defense of the staff, staff is bound to the code. He would like us to work with the County to get the applicant in the building as soon as possible. Commissioner Ghezzi stated that the area has new

development such as St. Peter and Paul's Family life Center and it is a gateway to 37 Easton. She wonders if waiving a landscaping area is in the best interest of Easton. Commissioner Strannahan stated that if we consider the area, Salisbury Pewter Company has one of the better landscaping. Commissioners agree that the landscaping is sufficient. A revised site plan detailing the existing landscaping plan shall be submitted by applicant. Commissioner Boicourt believes this a good reuse of the property. He inquired about the restriction of the 500 square foot outdoor display area. Mr. Smith stated that the 500 square foot should be adequate but would love some flexibility. Commissioner Council asked if they had authority to give flexibility. Mary Kay Verdery stated that a general area could be approved however the code does limit it to 500 square feet. If there was complaints there could be a compliance issue. Commissioner Ghezzi asked if Rio Del Mar would be displaying heavier equipment than lawn mowers. Mr. Smith stated that Rio Del Mar does not intend to display AG equipment. Commissioner Ghezzi is also concerned about safety with large trucks turning into the lot. Zachary Smith stated that large trucks already travel the street due to other businesses such as the automobile dealership across the street. He also reassured that they will only be selling lawn and Garden equipment, not large AG equipment.

**Commissioner Boicourt moved that the Planning Commission approve #SP622 Major Site Plan, for Rio Del Mar, located at 6505 and 6475 Old Trappe Road, Easton, Maryland, 21601; subject to staff conditions, Commissioner Spies seconded the motion. The motion carried unanimously.**

**Commissioner Strannahan moved that the Planning Commission approve the Bicycle waiver for SP622 Major Site Plan, for Rio Del Mar, located at 6505 and 6475 Old Trappe Road, Easton, Maryland, 21601; subject to staff conditions, Commissioner Boicourt seconded the motion. The motion carried unanimously.**

**Commissioner Spies moved that the Planning Commission approve the alternative landscaping plan waiver for SP622 Major Site Plan, for Rio Del Mar, located at 6505 and 6475 Old Trappe Road, Easton, Maryland, 21601; subject to staff conditions, Commissioner Strannahan seconded the motion. The motion carried unanimously.**

#### **4. Discussions Items—None**

Commissioners discussed the new format of the Staff reports. They all expressed their approval of the layout and suggested motions.

Commissioner Boicourt asked about the requested meeting with Trappe Planning Commission. Miguel is reaching out and will update the Planning Commission as soon as possible.

#### **5. Staff Matters—None**

#### **6. Work Sessions—None**

#### **7. Commission Matters—None**



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**8. Adjournment—** Commissioner Councell adjourned the meeting at 12:04 pm.